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to include a health insurance. OK, so let's take an example. Senator Cavanaugh is driving down the road and a drunk driver comes across the street and hits him, puts him in the hospital. He has health insurance, he has Blue Cross-Blue Shield. Senator Cavanaugh gets his hospital and medical bills, surgery bills paid by his Blue Cross-Blue Shield. Then a year or two years later, after he has sued the drunk driver, he collects \$150,000. Right in his policy Blue Cross-Blue Shield says if you do that you pay us back, that's the way it is now. OK, so what does this do? This simply says if you're in the hospital, you have medical treatment, problems resulting from malpractice and while you're waiting for any decision, a year, two or three years down the line, your medical insurance pays your bills, \$5,000 for the surgery and the other treatment, then you collect \$200,000--they want the \$5,000 back that they put out. It specifically provides, as further protection in fairness to you, that any premiums you paid are taken into consideration. So it's not nearly as broad, at least I think the floor intent as stated here makes it clear that the intent is to keep it very narrow. For that specific purpose, and with that in mind, and with that intent clearly stated here a couple times, I support the amendment.

PRESIDENT: Senator Kelly.

SENATOR KELLY: Mr. President, colleagues. Please follow with me, very simply, on page 6 of the white copy of the bill, line 11. It states "In wrongful death actions pecuniary loss to a widow or widower, any dependent, or next-of-kin shall be subject to all of the terms and provisions of this section". Now that's very understandable to all of us. The Schmit amendment would add in to Section 19, the one we're looking at, words of this--"Any such collateral payment shall be taken into account in determining damages due from the health care provider involved". Now that's very specific, very easily understood. Now a little farther down in the Schmit amendment it further states "No recovery shall be allowed for damages". Now the words "damages" if it's wrongful death, the wrongful death is the damage. The award for that would be for death. Now for which reimbursements has been or shall be provided from any nonrefundable collateral source, as described in this section. That would include any nonrefundable money that would go to the widow. It would include social security, it would include life insurance, it would include funds from any other source that was not involved directly. The damages, as we're talking about subsection 2 of Section 19, is talking about "wrongful death". In the Schmit amendment, in place of damages, you just reread that. "No recovery shall be allowed for wrongful death for which reimbursement has been or shall be provided from any nonrefundable collateral source as described in this section". If that doesn't do away with the widow's life insurance benefits, there just aren't words in the English language that could take them away from her.

Defeat this amendment.